

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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2004 JUN -4 P 1:10

PURPLE TUNNEL ENTERPRISES, INC.,
LOUIS G. SILVA, JR., and
ANTHONY D. FONTES, III,
Plaintiffs

U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

C.A. NO. 04-10874 EFH

BEACON HALL, LLC, ERIK HALL MOSHER,
JAMES M.F. GILMORE, DOUGLAS MASTER,
and ANDREW P. PALMER,
Defendants

**DEFENDANTS', BEACON HALL, LLC, ERIK HALL MOSHER, JAMES M.F.
GILMORE, DOUGLAS MASTER AND ANDREW P. PALMER, AMENDED NOTICE
OF REMOVAL TO FEDERAL COURT PURSUANT TO 28 U.S.C. § 1446 AND LOCAL
RULE 81.1**

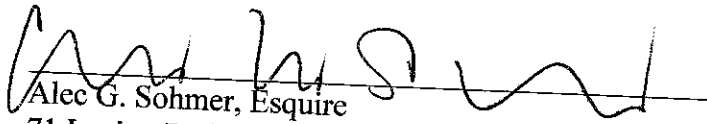
Please take notice that, pursuant to 28 U.S.C. § 1446 and Local Rule 81.1, Defendants, Beacon Hall, LLC, Erik Hall Mosher, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby remove to the Federal Court for the District of Massachusetts the matter filed by Purple Tunnel Enterprises, Inc., et al at the Suffolk County Superior Court under Civil Action No. 04-1748 BLS. As grounds thereof, Defendants state that this matter is subject to Federal jurisdiction as the Complaint and the Civil Action Cover Sheet allege "[t]his is an action to enforce a franchise agreement against a former franchisee and its guarantors".

Plaintiffs are alleging violations of the Franchise Agreement, which falls under the Federal Trade Commissions' Rule on Franchising, 16 C.F.R. § 436. Count III of the Complaint alleges violation of the Federal Lanham Trademark Act, 15 U.S.C.A. §§ 1114 and 1125. Other allegations under the Complaint fall under 37 C.F.R. §§ 1-199 (pertaining to trademarks) and §§

200-299 (pertaining to copyrights). The amount sought under the Complaint is alleged to be \$75,000.00. Defendants' counterclaim will seek an amount greater than \$75,000.00, exclusive of fees and costs.

This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

BEACON HALL, LLC, ERIK HALL MOSHER,
JAMES M.F. GILMORE, DOUGLAS MASTER
and ANDREW P. PALMER,
By their attorney,


Alec G. Sohmer, Esquire
71 Legion Parkway, Suite 23
Brockton, MA 02301
Tel. No.: (508) 583-6510
Fax No.: (508) 583-1263
BBO No.: 559204

Date: Friday, June 04, 2004

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DISTRICT OF MASSACHUSETTS**

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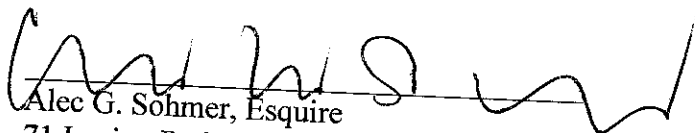
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CERTIFICATE OF SERVICE

I, Alec G. Sohmer, attorney for Defendants, Beacon Hall, LLC, Erik Hall Mosher, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby certify that on Friday, June 04, 2004, I served the above Amended Notice of Removal to the following via fax and by mailing a copy of same, postage pre-paid:

Andrew C. Oatway, Esquire
Morisi & Oatway, PC
1400 Hancock Street, 3rd Floor
Quincy, MA 02169-5293
Sent via fax (617) 479-6885

Signed this 4th day of June, 2004 under the pains and penalties of perjury.


Alec G. Sohmer, Esquire
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